

planning supplement to background



Ministry of
Municipal Affairs
and Housing

The Honourable Dennis R. Timbrell
Minister

Ward Cornell
Deputy Minister

G. Milt Farrow
Asst. Deputy Minister

April 15, 1985

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PROVINCIAL POLICY STATEMENTS UNDER

THE NEW PLANNING ACT - AN UPDATE

Mineral aggregates and foodlands are the planning issues addressed in the first two provincial policy statements now being considered by the Ontario government. Both are currently before the Cabinet for approval, but at different stages of formulation. The Provincial Policy on Mineral Aggregate Resources is ready for final approval, publication in the Ontario Gazette, and distribution. The Provincial Policy on the Preservation of Agricultural Land is proposed to be circulated to all municipalities and other interested parties for review and comment, as part of the public consultation process required under the Planning Act.

These two statements have been prepared jointly by the Minister of Municipal Affairs and Housing and the Ministers of Natural Resources and of Agriculture and Food respectively.

Other policy statement proposals are currently at a more preliminary stage of staff discussions. These

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deal with:

- . floodplains
- . environmental land use compatibility
- . the Parkway Belt West

The floodplain statement is being prepared in concert with the Ministry of Natural Resources and the environmental land use compatibility statement with the Ministry of the Environment. Once formally issued, these policy statements will clarify the nature of the provincial interest in resources management and other issues related to municipal planning. A standard format will include sections dealing with background, definitions, basis, interpretation, implementation and policy. Most statements will be accompanied by technical guidelines to help municipalities, agencies and others make the policies work well in their local situations.

GRANNY FLATS: AN ONTARIO DEMONSTRATION

An innovative form of housing which has met with much success and attention in recent years is the so-called 'granny flat'. Originating in Australia, the concept has spread to other countries and has proven to be a very desirable housing alternative for senior citizens.

A 'granny flat' is a self-contained, detached, portable dwelling unit which can be placed in the yard of an existing single family residence. The unit is intended to be used by an elderly parent of the host or owner of the main house on the lot, and to be removed from the lot when no longer required by the occupant.

To test the applicability of this housing approach to the Province of Ontario, the Ministry of Municipal Affairs and Housing is planning to construct and place a small number of granny flats, under its Portable Living Units for Seniors (P.L.U.S.) demonstration project. A total of twelve units will be located during the demonstration, four in each of three municipalities; the Regions of Ottawa-Carleton and Sudbury, and the City of Waterloo. These areas have been chosen owing to their strong commitment to alternative housing for seniors.

During the demonstration, the units will be owned and maintained by the Province and rented to the occupant at a rent equivalent to that of the nearest market alternative.

The purpose of the demonstration project, which will last for three years, is to evaluate occupant and host

satisfaction with this type of accommodation. The demonstration project also provides the Ministry with an opportunity to work out a number of technical concerns associated with constructing and servicing the units, and to determine the most appropriate planning mechanisms which will allow for unit placement and relocation.

To date, a design study outlining possible construction methods and materials has been prepared for the Ministry. Based on the information provided in this study and subsequent performance specifications, the Ministry will tender the construction of 12 'granny flat' units. Construction methods currently under consideration include modular, panelized and manufactured housing.

The units, measuring 49 to 62 square metres (530 to 570 square feet) will be completely self-contained and consist of a living-dining area, kitchen, bedroom and bathroom.

Efforts will be made to ensure that the exterior appearance of the unit is attractive and unobtrusive, so that it will blend in with the surrounding landscape. The units will also be constructed to high standards of energy-efficiency.

The capital cost of these well-built units will be approximately \$25,000 to \$30,000 for a one-bedroom unit. Site preparation and unit placement costs will vary depending upon the size of the unit and the nature of the specific site. Sewer, water and electric utilities will generally be linked to the services of the existing house.

Working committees have been established in each of the demonstration areas to implement the project locally. Drawing representation from the Ministry, municipal planning departments and local seniors' groups, the committees are primarily responsible for generating and selecting applicants.

With regard to regulatory mechanisms, a temporary use zoning by-law will be employed in most areas, as it permits temporary placement of these units, while allowing for appropriate neighbourhood input on a case by case basis. Other mechanisms will be considered, if a decision is made to introduce the concept on a larger scale in the future.

For more information on the P.L.U.S. demonstration project, contact the Housing Conservation Unit, Ministry of Municipal Affairs and Housing, at 777 Bay Street, 2nd Floor. Telephone: (416) 585-6514.

PLANNING AND THE LAW

These summaries of legal and O.M.B. decisions are prepared by a planner for planners and lay persons.

LOT LEVY REDUCTIONS CONFIRMED

In attempting to develop phase 2 of a subdivision of 51 half-acre lots near Keswick, Mod-Aire Homes Limited disagreed with the Township of Georgina on three issues, which were referred to the Ontario Municipal Board on appeal.

The first two issues related to zoning and were resolved in favour of the developer.

The third issue was the amount of the lot levy, which was imposed in the subdivision agreement. The Township's standard lot levy was \$1,805.82, which was derived by multiplying a per capita levy of \$564.32 by a factor of 3.2 persons per unit. The per capita levy was obtained by adding amounts for roadway improvements, garbage disposal, drainage works, libraries, fire fighting services and facilities, recreation and cultural facilities, industrial and tourism promotion and an administration building. Water and sewage were not included, since the subdivision was to be serviced by wells and septic tanks.

The board applied the usual tests to determine the appropriateness of the levy, with particular emphasis on reasonableness. The board discussed three of the items at some length and then rejected the portion of the per capita levy for industrial and tourism promotion (\$172.34), reduced the roadway improvements portion from \$145.22 to \$56.22, and rejected the drainage levy of \$25.72 per capita. Most of the remaining portions of the levy were characterized as a "shopping list" or "wish list" and were given short shrift. The one exception was the library and cultural centre, which accounted for \$21.91 of the \$139.55 included under Recreation and Cultural Facilities.

On April 6, 1984, the board concluded that the total levy should be $3.2 \times (56.22 + 22.91) = \250.02 . The lot levy decision was appealed to the provincial cabinet, but it was confirmed by Order in Council on January 24, 1985.

Source: Decision of the Ontario Municipal Board.
Files R 8311400, Z 830013 and S 830024.

NORTH YORK COMPELLED TO ISSUE BUILDING PERMIT DESPITE
OFFICIAL PLAN CONFLICT

An application for a building permit by Woodglen and Co. Ltd. was refused by North York because the proposed use, a single family dwelling, was contrary to the official plan. The 1953 zoning by-law permits single family dwellings on the subject land and it had not been amended to bring it in conformity with the 1974 official plan.

The County Court granted the applicant's appeal under Section 15 of the Building Code Act, but the municipality appealed the decision to the Ontario Supreme Court. The municipality argued that it had intended to amend the zoning and that the appeal should have been adjourned to give it an opportunity to implement its intent. The lower court judge quoted the 1965 Boyd Builders decision:

"An owner has a prima facie right to utilize his own property in whatever manner he deems fit subject only to the rights of surrounding owners, e.g., nuisance, etc. This prima facie right may be defeated or superseded by rezoning if three prerequisites are established by the municipality, (a) a clear intent to restrict or zone existing before the application by the owner for a building permit, (b) that council has proceeded in good faith, and (c) that council has proceeded with dispatch."

The Supreme Court judge disagreed that the Boyd Builders principles were even applicable. The legislature did away with the Boyd Builders principles by enacting Section 6(1) of the Building Code Act, which directs that a permit be issued except where the proposed building will not comply with the Act or the Building Code or will contravene any other applicable law. In dismissing the municipality's appeal, with costs, on September 25, 1984, the court stated:

"Municipalities no longer have the need to delay an application for a permit in order that new zoning by-laws may be made effective, because they have the power under s. 37 of the Planning Act, S.O. 1983, c. 1, to pass interim control by-laws, to be in effect for one year, when land use policies are being reviewed or studied in the municipality or in a defined area. Such by-laws may be passed without prior notice or hearing."

Source: Municipal and Planning Law Reports
26 M.P.L.R. December, 1984

INFORMATION EXCHANGE

The information exchange in the January issue of the Planning Supplement appears to have been successful, judging by the response. Our thanks to all contributors.

1. Existing Industrial Mineral Resource Extraction and Processing in Peel Region, February, 1984
Region of Peel, Planning Department, Planning Policy Section

The report discusses the characteristics of the following industries in Peel Region:

- aggregate extraction and processing;
- heavy clay products manufacturing;
- building stone production; and
- cement manufacturing.

Each industry is discussed in terms of its major products and production rates, the markets it serves and its general characteristics. The report is the first in a series of four background reports to the Region's Mineral Resource Management Strategy in the draft Region of Peel Official Plan.

Contact: D. Walmsley, (416) 791-9400
- extension 359.

2. The Lodging House Study, May 1981
Planning Department, City of Etobicoke

This study examines the lodging house question within Etobicoke with particular regard to the absence of adequate development standards governing such use, the potential for group homes being converted to lodging houses and vice versa without a rezoning, and the apparent concentration of lodging houses in the lakeshore municipalities. An analysis of the lodging population indicates that the greatest proportion are located in private residences. The study evaluates the zoning categories and standards under which lodging houses should be permitted. Recommendations are made with respect to required amendments to both the Official Plan and Zoning Code to effectively regulate the establishment of lodging houses within residential neighbourhoods of Etobicoke.

Contact: Connie Nichols, (416) 626-4150
Director, Policy and Research

3. Energy Conservation: A Municipal Planning Study
March, 1983
Planning Department, Region of Durham

The study provides a framework for the preparation of an amendment to the Durham Regional Official Plan related to energy conservation. The study details the opportunities for energy conservation, proposes a strategy to implement certain measures, and is organized in four sections: Section I "Information Collection and Review" relates energy conservation principles to the energy consumption pattern in Durham Region. Section II "Draft Planning Guidelines" develops a list of specific actions for achieving energy savings. Section III "Testing of Guidelines" examines the draft guidelines for their relative energy saving and ease of implementation in the context of Durham Region. Section IV "A Policy Proposal" indicates a strategy towards energy conservation and a proposal for an appropriate amendment to the Durham Regional Official Plan.

Contact: L. Kotseff, Manager, Strategic Planning
(416) 668-7731

4. Energy Conservation By Choice: an energy conservation approach in Huron County, May, 1984
Huron County Planning Department, Goderich

A comprehensive report on how Huron County will achieve energy conservation in all sectors. The underlying theme in the study is that energy conservation should not be made mandatory. The Study recommends energy conservation objectives for official plans which support Provincial targets. A County outreach programme is outlined. Two published volumes and one unpublished official plans summary.

Contact: Gary Davidson, Director of Planning
(519) 524-2188

5. Queen Street East Licensed Eating Establishment Study, Two volumes: main report and appendices.
February, 1985
Planning and Development Dept., City of Toronto

This report addresses the issue of the proliferation of licensed eating establishments along Queen Street East between Woodbine Avenue and the easterly city limits. It also deals with the neces-

sary planning controls for this area. A pilot project with possible city-wide implications.

Contact: Albert Saif
(416) 463-5914

The City of Toronto also submitted information on: Toronto Historical Trends and Patterns in Capital Expenditures, 1943-1982 (\$4.00), A Summary of the Revised North Midtown Area Plan (\$6.00), Toronto Region Incomes, 1970-1980, (\$3.00) and The Toronto Region: Population Trends and Projections (\$3.00).

6. Projections - Population, Labour Force, Households and Housing, February, 1984
Research Division, Metropolitan Toronto Planning Department

Projections of Population, Labour Force, Household and Housing 1981 - 2021 is a demographic analysis at a Canada, Ontario, and Regional level, with the main emphasis being on the Metropolitan Region and Metropolitan Toronto. This report is part 1 of a 4 step program which includes examining projections from the bottom up at the Traffic Zone level in 1985. Following the small area projections, a report which consolidates the numbers and indicates the best projections will be produced in late 1985. Cost: \$12.00.

Contact: J. Silva, Supervisor, Research Division
(416) 947-8130

The Metropolitan Toronto Planning Department also contributed information on: Employment Profile of Metropolitan Toronto, 1981-1983, and Employment Projections - A Working Paper, Dec. 1984.

7. Landscaping Design Policies
September, 1984

Planning and Development Dept., City of Oshawa

Developed to establish minimum landscaping standards and to establish the process of administration necessary to deal with landscaping plans and their implementation. General landscaping, fencing, screening and environmental protection are among the matters treated.

Contact: T. Goodchild, Head, Policy Planning
(416) 725-7351, ext. 402

8. Municipal Finances and the Centretown Plan
February, 1979
City of Ottawa, Planning Branch

This paper examines the effect of development of Centretown on the neighbourhood's fiscal balance under three alternative development scenarios. The study was undertaken as part of a major change in zoning policy for the neighbourhood from high density residential/office to medium density residential and some areas of commercial.

In the analysis, Centretown has been considered as an area for which all municipal revenues and expenditures were to be measured as if it were a separate municipality. The allocation methods for revenues and expenditures were developed by the City of Ottawa Finance Department through a separate study entitled "Centretown Fiscal Impact Analysis". The two studies should be considered together.

Contact: Peter LeBrun, Senior Planner
(613) 563-3000.

CONFERENCES

1. CANADIAN INSTITUTE OF PLANNERS - NATIONAL
CONFERENCE

Sudbury, Ontario will host the annual conference of the Canadian Institute of Planners from June 23-26th. The theme of the Conference is "Sustainable Community: The Next Frontier".

The challenge for community planners (as well as for many allied professions), is to move beyond the pursuits of a growth-oriented era, and to initiate projects among the public, private, and non-profit sectors, which focus on the quality of life and the economic self-reliance of our communities.

Among the numerous authoritative and provocative speakers to explore this theme will be:

- * Dr. Lester Thurlow, a much-published M.I.T. professor of economics and business management, economic columnist, and economic advisor to U.S. presidents.

- * Dr. David Brooks, author of Zero Energy Growth for Canada, co-ordinator of Energy Probe in Ottawa, and renowned natural resource economist.
- * Dr. Bengt Johannison, Director of the Centre for Small Business Development at Vaxjo University in Sweden, in which community he has been a very successful facilitator of locally-generated economic development.
- * George McRobie, a leading international advocate of the "small is beautiful" concept popularized by E.F. Schumacher, with whom McRobie co-founded the Intermediate Technology Development Group in the U.K.

The conference will offer complete programs for spouses and children. For registration information, contact Narasim Katary, Planning Dept., Regional Municipality of Sudbury, P.O. Box 370, Sudbury, Ontario P3E 4P2, (705) 673-2171.

2. SYMPOSIUM ON HOUSING AND RENEWAL

The annual meeting of the Canadian Association of Housing and Renewal Officials will be held at the Downtown Holiday Inn in Toronto on May 29-31. The Minister responsible for C.M.H.C., the Hon. William McKnight, will address the final luncheon. Information may be obtained from C.A.H.R.O.'s office at 1-20 Rochester St., Ottawa, (613) 594-3007.

3. EASTERN ONTARIO PLANNING CONFERENCE

Economic development will be the theme, Arnprior the place and May 15-16 the date. For further details, contact the Community Planning Advisory Branch in Ottawa, tel. (613) 566-3801.

4. CENTRAL ONTARIO PLANNERS' WORKSHOP

This annual workshop for municipal planners and consultants within the Central Ontario Region will be held on May 9 at the Richmond Hill Country Club. The theme for the day is "Planning Tools in the Public Forum". As a result of such requirements as pre- and post-notification and mandatory

public meetings, planners and the public have become more active partners in the planning process. Concurrent workshops will examine various tools of the trade including site plan control, development agreements, and bylaws. A plenary session will give pointers on improving our communication skills and a presentation of an innovative approach to obtaining public participation. For more information contact workshop co-ordinator, Tom Gutfreund, Area Planner, Community Planning Advisory Branch, Willowdale at (416) 224-7635.

5. ONTARIO PLANNERS' CONFERENCE - 1985

October 16-18 at the King Eddy. More in our next issue.

NEWS FLASHES

o Site Plan Control - Effective Date

January 1, 1986 is the date when the site plan control section of the Planning Act, 1983 becomes effective.

Municipalities needing official plan policies to allow the use of site plan control as soon as the legislation takes effect should aim to propose those policies for approval by the early fall of this year. This will increase the possibility that the policies can be approved by the proclamation date.

Staff of the Community Planning Wing are available to help develop the required official plan policies. Also, Guideline 9 on Site Plan Control may be obtained from the Local Planning Policy Branch, 13th floor, 777 Bay Street, Toronto (416) 585-6231.

o Durham Planning Department Takes the Plunge

With financial support from the Community Planning Grants Program, Durham Region is embarking upon a comprehensive management information system study, exploring the application of computer technology to the Region's land use monitoring, development tracking and planning analysis functions. The study includes identifying user needs and the design of a computer system to best satisfy those

needs. For more information contact your local CPAB Field Office or Pat Vanini, Acting Senior Planner, Community Planning Advisory Branch at (416) 224-7635.

o Industrial Land Use Concepts

In reviewing developing trends in the past year, the U.S. publication URBAN OUTLOOK commented: "Land use, in many ways intimately linked with economic development, underwent transformations in 1984. Several concepts drew closer to maturity, among them self-service warehouses. Once a fad, self-service warehouses have been emerging solidly in two formats: the more popular single-storey building requiring ample land, or the conversion of older multi-storey structures which are more costly to operate but better suited to dense urban cores. Businesses and householders both are finding them convenient and economical as storage space offering easy access.

"Another idea flexing its limbs is business or industrial incubators -- some form of facility plus services and aids making it easier for a community to incubate and "nurse" new businesses through those shaky early stages of growth. A study of incubator projects, conducted by the National Council for Urban Economic Development, looked at examples of public sector participation in incubator financing, design and management followed by private occupancy and business operations. It's gaining momentum in urban areas as a new growth tool and innovative land use."

- o I.C.U.R.R.'s new address is 150 Eglinton Avenue East, Suite 301, Toronto M4P 1E8 (416) 966-5629.

PEOPLE

- Don Smith became the Commissioner of Planning for the City of Cambridge on February 4. Don comes from the Town of Newcastle where he was first Director of Planning and then C.A.O. He worked previously for the federal Urban Affairs ministry, the City of Oshawa and, of course, the Ontario Ministry of Housing.

- The new Director of Planning and Development for the City of Niagara Falls is Douglas Darbyson, who was a senior planner in the office and had previously worked in the City of St. Catharines. He succeeds the recently retired Alec Greaves, who had a long reign as the chief planning official in Niagara Falls. Alec had also worked for the Region of Niagara, the City of Hamilton, Klydell Developments and C.M.H.C. since coming out from England in the fifties. Glen Barker has been hired from Port Colborne to fill Doug's former position.
- Morley Daiter has moved from the office of Director of Planning and Works to the office of Chief Administrative Officer in North Bay. Steve Sajatovic has taken over the planning director's duties and City Engineer Dave Robinson is looking after the works.
- Judy Coward became the Town Planner for Niagara-on-the-Lake on March 25, succeeding Greg Hynde. She comes from the consulting firm of Greer Galloway, where she was Director of Planning.
- Craig Stewart, Simcoe, has retired from his position as Chairman of the Regional Municipality of Haldimand Land Division Committee/Committee of Adjustment after 11 years of dedicated service. His successor is Earl McConachie, who represents Nanticoke on the committee. Ken Porteous from Townsend will be taking Earl's former spot on the totem pole.
- Sid Clarke, until recently a manager in the Research and Special Projects Branch, is planning for a future in Victoria. Sid's early planning experience was in England and he came to the Oldman River Region as its Planning Commissioner in the late fifties. He was Toronto's first Director of Development, from '64 to '67, and later worked for Peat, Marwick and other consultants before joining O.H.C. as chief planner for the New Towns Program, finally moving to the Ministry of Housing in 1977. Sid's successor, is Diana Jardine, who was Coordinator of Physical Planning.
- Jennifer Darrell has been appointed a Manager in the Plans Administration Branch, North and East, replacing Pauline Morris who is now Director of that branch. Jenny was previously Planning Co-ordinator in the Assistant Deputy Minister's office.

- Janet Babcock, a rural policy planner with the Region of Ottawa-Carleton until last December, has relocated in Toronto and is now working with Marshall, Macklin and Monaghan in Don Mills.
- Jim Dyment has joined the C.P.A.B. office of the Ministry in Willowdale. Jim comes from the Niagara Escarpment Commission, where his place will be filled by Gary Murphy, formerly the planner for the Township of Essa.
- Ron Mills has moved to Essa from the Nottawasaga Valley Conservation Authority.
- Elizabeth Lea is now the education officer with C.P.A.B. in Toronto. She was previously a planner in the Plans Administration Branch.
- Glenn Tunnock and Stu Humphrey have been seconded for one year to the Buildings Branch to act as building administration advisors and promote the "Building Action Program". They will continue to operate out of the Community Planning Advisory Branch offices in Ottawa and London respectively.
- Charles V. Miller will be the new city planner for the City of Port Colborne, starting in mid-May. A native of Fort Erie, Chuck will be moving from Stormont, Dundas and Glengarry, where he is county planner.

The next issue of the Planning Supplement to Background is scheduled to appear in mid-July. If you have information for our "People" column, please call Pierre Beeckmans at (416) 585-6257 or drop him a line at

Research and Special Projects Branch
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